

REMARKS

Claims 1-13 and 26-30 and 32 are pending. Claims 1-2, 4-5, 8, 12-13, and 26-29 have been amended and claim 31 has been canceled. In the July 12, 2004 Office Action, The Examiner rejected the drawings under 37 CFR 1.83(a), the specification under 37 CFR 1.75(d)(1) and MPEP 608.01(o). Claims 4, 5, and 13 were rejected under 35 U.S.C. 112, first paragraph, and claim 8 was objected to for informalities. Claims 1,2, 6,8, 9, and 26-29 were rejected under 35 U.S.C §102(e) as being anticipated by U.S. Patent Application Publication No. 20030110716 to Hansen ("Hansen"). Claims 1, 7, 8, 11-13, 26, and 30-32 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,844,420 to Ouster ("Ouster") in view of Hansen. This rejections and objection are respectfully traversed.

The drawings were rejected under 37 CFR 1.83(a) for failing to show every feature of the invention in the specified claims. The drawings have been amended to include:

- a first shaft that extends through the length of the lower portion at Figure 2B at 265. Corresponding detail in the specification is noted at page 5, first full paragraph.
- A second threaded shaft that extends at least partially through the length of the upper portion at Figure 2B at 260. Corresponding detail in the specification is noted at page 5, first full paragraph.
- A retractable belt at new Figure 5. While the figure is new, the Examiner's attention is drawn to MPEP 706.03(o) wherein it states, "[i]f subject matter capable of illustration is originally claimed and it is not shown in the drawing, the

claim is not rejected but applicant is required to add it to the drawing.” Such has been done in this case.

- A rope at new Figure 6. While the figure is new, the Examiner’s attention is drawn to MPEP 706.03(o) wherein it states, “[i]f subject matter capable of illustration is originally claimed and it is not shown in the drawing, the claim is not rejected but applicant is required to add it to the drawing.” Such has been done in this case.

It should be noted that the specification clearly details the embodiments of a retractable belt, and a rope at page 7, first full paragraph.

The Examiner also requested that the drawings show a [permanent connection]. The Examiner is respectfully requested to note that Figure 2A is a drawing that we would use to show a an embodiment where the lower portion is “permanently connected” to the base. Additionally, the Applicants respectfully state that 1) a permanent connection, such as one could be drawn, is not claimed. Only that the lower portion is permanently connected to the base is claimed, and such a permanent connection could be performed in a myriad of ways such as the use of Locktite to seal an insert in a threaded chamber or machining the base and the lower portion together. The subject matter sought to be patented in the corresponding claim would cover any and all of the possible ways of permanently connecting the lower portion to the base; 2) The code of 37 CFR 1.81 (a) states only that applicant “is required to furnish a drawing of his or her invention where necessary for the understanding of the subject matter sought to be patented.” Applicants respectfully submit that a drawing of the base being permanently connected to the lower portion is not required to understand the subject

matter. The definition of "permanent" and "connection," in view of the rest of the present application, would be clear to average person trained in the art.

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. The Examiner noted that the "specification should be amended to clearly point out which drawing elements, if any, correspond to the claimed features. The specification has been amended to show the two features which the Examiner noted. The Examiner will also note that the corresponding claims including a "first shaft that extends through the length of the lower portion" has been amended such that the shaft is no longer threaded. Accordingly, the corresponding amendment to the specification does not include the word "threaded." This amendment is not intended to limit the scope of these claims but instead to broaden them, and to reflect accurately the drawing of Figure 2B.

Claims 4, 5, and 13 were rejected under 35 U.S.C. 112, first paragraph as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which pertains. The drawings and specification have been amended in such a way to overcome this rejection.

Claim 8 was objected to for informalities. Claim 8 had been amended to address and correct such informalities.

Claims 1, 2, 6, 8, 9, and 26-29 were rejected under 35 U.S.C. 102(e) as being anticipated by the Hansen reference. Applicants respectfully submit that, as amended, the claims overcome the Examiner's rejection.

The present application is directed to a crowd control stanchion having a floor-standing base, and a post configured to be joined to the base in a perpendicular

fashion. An insert is used to selectively couple the base and the post in a secure manner, the insert being secured to the base and disposed within the post. The insert has an upper portion that is selectively moveable relative to a lower portion. When the portions are manipulated, they apply radial pressure on the inside wall of the post. Such radial pressure increases the static friction between the insert and the post, thus reducing the probability that the post will move either vertically or rotationally relative to the base. As amended, claim 1 recites (emphasis added): A **crowd control stanchion**, comprising:

a **floor-standing** base;

an elongated post having a hollow bottom portion and being selectively **perpendicularly** coupled to said **floor-standing** base; and

an insert selectively coupling the **floor-standing** base to the post, said insert including a lower portion having a top surface and an upper portion having a bottom surface, wherein:

said upper portion is disposed within the hollow bottom portion of the post;

said lower portion is removably connected to the **floor-standing** base;

said top and bottom surfaces are inclined at complementary angles so as to mate with one another; and

said upper portion is selectively moveable radially outward relative to the lower portion, so as to exert radial pressure on the inside wall of the post.

The Hansen reference is directed to grab rail intended to be mounted to a wall. The grab rail includes an elongated rail that has a bore lying along a central axis. A wedge block is disposed in the bore of the elongated rail. The wedge block has an incline face on one end that is inclined relative to the central axis. A support member is connected to surface. The support member has an inclined face at one end that is contiguous with the inclined face of the wedge block. The fastener urges together the inclined face of the wedge block and the inclined face of the support member to slide along the rail in a non-axial direction relative to the support member to join the support member and the elongated rail.

Firstly, the Hansen reference does not teach, suggest, or disclose, a **crowd control stanchion**. It teaches a grab rail. Claim 1 only recites a crowd control stanchion and intends its scope to only cover as much. A grab rail could never be a crowd control stanchion.

Secondly, the Hansen reference does not teach, suggest, or disclose a **floor standing base**. The Examiner notes that the Hansen reference teaches a base at reference numeral 26. The base 26 of the reference numeral is intended to be mounted to a wall. Nowhere does the reference disclose mounting the base to the floor. Even if the Hansen reference disclosed mounting the base to the floor, the present application is directed to a base that is *floor-standing*, i.e., not mounted.

Thirdly, the Hansen reference does not teach, suggest, or disclose a post which is **perpendicularly** mounted to a floor-standing base. The Examiner states that the Hansen reference discloses a base 26 and a post 20, however, with reference to Figure 2 of the Hansen reference, said post 20 and base 26 are parallel, not perpendicular.

For all the reasons above, the Applicants respectfully submit that claim 1, as amended overcomes the Hansen reference and the §102 rejection of claim 1 should be withdrawn.

The Examiner also rejected claim 1 under 35 U.S.C. 103(a) as being unpatentable over the Oster reference. The Oster reference is directed to a retractable crowd control barrier consisting of a housing carried on any type of post member in which an elongated tape is conveniently stored within the housing on a forward wound spring-actuated spool assembly and can be extended therefrom into a position to guide pedestrian traffic and maintain an orderly assembly of people.

Firstly, as the Examiner noted in the Office Action, the Oster reference “does not state how the post is supported.” Therefore, Oster does not disclose a floor standing base, or that the post is perpendicular to the base. Therefore, neither the Oster reference nor the Jansen reference disclose a floor-standing base or a post which is perpendicularly mounted to a floor-standing base, and thus claim 1, as amended, overcomes both the Oster and the Hansen references and the § 103 rejection of claim 1 based on these references should be withdrawn.

Moreover, It is respectfully submitted that it would not have been obvious to one skilled in the art to combine the teachings of the Hansen and Oster references as suggested by the Examiner. It is well settled that a reference must provide some motivation or reason for one skilled in the art (working without the benefit of applicant's specification) to make the necessary changes in the disclosed device. The mere fact that a reference may be modified in the direction of the claimed invention does not make the modification obvious unless the reference expressly or implicitly teaches or

suggests the desirability of the modification. In re Kotzab, 55 U.S.P.Q.2d 1313, 1317-18 (Fed. Cir. 2000); In re Fitch, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992); In re Mills, 16 U.S.P.Q.2d 1430, 1432 (Fed. Cir. 1990).

The cited references, i.e., the Hansen and Oster references, fail to meet the basic requirement for a finding of obviousness established by the courts in Kotzab, Fitch, and Mills. There is no suggestion in any of the references of modifying the devices disclosed therein in the direction of the present application, nor is there any suggestion of the desirability of such modification.

It is noted that Oster does not at all deal with a stabilization mechanism, but rather a retractable tape for a crowd control barrier. The Oster reference does not even show a post connected to a base which is where the majority of the novelty of the present invention. A patent for a retractable tape does not and would not have any suggestion of modifying the invention to also include a stability mechanism for the base and post. Similarly, Hansen does not have anything to do with a crowd control stanchion, but rather a modified grab rail. There is not and would not be any suggestion of modifying the grab rail by turning it into a crowd control stanchion having a floor-standing base coupled perpendicularly to a post. Moreover, indicative of the fact that these references should not be combined is the fact that Oster is in a wholly different class than Hansen and neither Hansen or Oster reference the search classes of the other. Thus, there is no motivation, either express or implicit, in either of the references to combine them, and the Examiner is respectfully requested to withdraw his rejections of all the claims wherein the Examiner combines the Oster and Hansen references (i.e., claims 1, 7, 8, 11-13, 26, and 30-32).

Independent claims 8, 12, and 26, as amended, all recite limitations similar to the limitations found in independent claim 1, as amended, and thus rejections of these claims should be withdrawn for the same reasons as independent claim 1. Claims 2-7 all depend, either directly or indirectly, from independent claims 1, as amended, and thus the rejection of such claims should be withdrawn for the same reasons as independent claim 1. Claims 9-11 all depend, either directly or indirectly, from independent claims 8, as amended, and thus the rejection of such claims should be withdrawn for the same reasons as independent claim 8. Claim 13 depends directly from independent claims 12, as amended, and thus the rejection of such claim should be withdrawn for the same reasons as independent claim 12. Claims 27-32 all depend, either directly or indirectly, from independent claims 26, as amended, and thus the rejection of such claims should be withdrawn for the same reasons as independent claim 26.

Applicant believes that the application is in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.



Respectfully submitted,

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A. Date: November 10, 2004

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IN THE DRAWINGS

Please amend the drawings as follows:

In Figure 2B, please redraw the line from number 250 so that it goes to the opening as shown in red in the redline drawing attached herewith. Also in Figure 2B, please add number 265 with a line drawn to the shaft as indicated in red on the redline drawing attached herewith.

Please add Figure 5 and Figure 6.



PILLSBURY WINTHROP LLP, LOS ANGELES  
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